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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,486	11/28/2001	Enrique Molina	408-001	1468
50760	7590	01/26/2006	EXAMINER	
NEIL F. MARKVA 8322-A TRAFORD LANE SPRINGFIELD, VA 22152			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,486

Applicant(s)

MOLINA, ENRIQUE

Examiner

Chapman E. Jeanette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 10-50 is/are pending in the application.
- 4a) Of the above claim(s) 10-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/27/2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim 5 is objected to because of the following informalities: Lines 4-5 of claim 5 have no clear meaning.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-7 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibbard (4768324) in view of Wepf (4234156). Hibbard discloses an assembly for producing vertically disposed poured-in-place wall structure having horizontally disposed reinforcing ribs having horizontally disposed reinforcement rods 28, said assembly comprises:

1. wall molding means for forming laterally spaced opposed molding surfaces that define a mold cavity; the wall molding means comprises:
 - a. vertically disposed laterally spaced wall forming panels 60/62 to provide said molding surfaces along opposed sides of said wall mold cavity
2. a plurality of grid means 18/28/24/26 suspended along the vertically disposed molding surfaces in the cavity for contiguously supporting said horizontal reinforcement rods which are freely contiguously disposed at a plurality of vertically spaced locations within the mold cavity; see figure 4

3. regarding claim 2: as far as understood, the grid means also extends vertically along the molding surfaces
4. the cavity having an upwardly directed top opening into which hardenable material is to be poured and hardened to produce said wall structure within the mold cavity; see column 7, lines 12-25
5. the panels 60/62 are portable and joined by elements 64/71 for removable vertical disposition to form the wall cavity; the means for vertically disposing said wall forming panels is effective to maintain the wall panels independently with respect to each other
6. a plurality of grid means 40/42/18 are laterally spaced horizontally with respect to each other along said opposed molding surfaces
7. As far as understood, the reinforcement rods are horizontally and freely disposed across said plurality of grid means
8. the reinforcement rods extend parallel to the molding surfaces 60/62 are laterally spaced with respect to each other between the molding surfaces.
9. the grid means includes a plurality of grid elements 40/42/18 extending vertically along/between the molding surfaces
10. each of the grid element 40/42 being fixedly attached to a plurality of tie members 52/54 that are perpendicular to the molding surface and horizontally disposed at spaced pre-selected vertical location for contiguously and freely contiguously disposed reinforcement rods. See column 5, lines 15-42

11. the grid elements include rod locating means 24/26 for maintaining the reinforcement rods 28 at horizontal locations spaced inwardly from each of the opposed molding surfaces while hardenable material is poured into the cavity.

12. the rod locating means 24/26 includes a pair of parallel vertically disposed elongate elements fixedly extending across the tie members 52/53 at each horizontal location between the molding surfaces to retain the rods that extend horizontally across and normal to the vertically disposed grid elements

Hibbard lacks the means for attaching the grid means to the opposed panels 60/62 to retain the rods in place at a plurality of vertically spaced locations while the hardenable material is poured into the cavity and allowed to harden. Wepf discloses a wall molding means with opposed walls 12/14 and a grid 16/18 which is attached to the opposed panels to retain the rods in place at a plurality of vertically spaced locations while the hardenable material is poured into the mold cavity. It would have been obvious to one of ordinary skill in the art to modify Hibbard to include the grid retaining means of Wepf to secure the grid in place while the hardenable material is poured and is allowed to harden. With the modification of Wepf, the grid means has a sufficient amount of rigidity to project outwardly from a molding surface and to horizontally suspend the rods when the grid means is attached to the molding surface.

.Applicant's arguments regarding the claims as amended June 25, 2005 are moot given the new ground of rejection. Regarding applicant's request for reinstatement of certain

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claim: Applicant is responsible for this action and the examiner makes a determination as if the claim language reads on the elected specie.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeannette Chapman
Primary Examiner